

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 040205PC	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/AU2005/000309	International filing date (<i>day/month/year</i>) 3 March 2005	Priority date (<i>day/month/year</i>) 3 March 2004	
International Patent Classification (IPC) or national classification and IPC <p style="text-align: center;">Int. Cl. E05C 17/54 (2006.01) E05C 17/04 (2006.01) E05F 5/02 (2006.01)</p>			
Applicant <p style="text-align: center;">PREDEBON, Dyna Kellie</p>			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 1 sheets, as follows:</p> <div style="margin-left: 40px;"> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> </div> <p style="margin-left: 20px;">b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <div style="margin-left: 20px;"> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p> </div>			
Date of submission of the demand 3 October 2005		Date of completion of this report 28 June 2006	
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929		Authorized Officer VENKAT IYER Telephone No. (02) 6283 2144	

Box No. I Basis of the report**1. With regard to the language, this report is based on:**

- ☒ The international application in the language in which it was filed
- ☐ A translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3(a) and 23.1 (b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- ☒ the international application as originally filed/furnished
- ☐ the description:
- | | | |
|--------|-------------------------------|--------------------|
| pages | as originally filed/furnished | |
| pages* | received by this Authority on | with the letter of |
| pages* | received by this Authority on | with the letter of |
- ☐ the claims:
- | | | |
|--------|---|--------------------|
| pages | as originally filed/furnished | |
| pages* | as amended (together with any statement) under Article 19 | |
| pages* | received by this Authority on | with the letter of |
| pages* | received by this Authority on | with the letter of |
- ☐ the drawings:
- | | | |
|--------|-------------------------------|--------------------|
| pages | as originally filed/furnished | |
| pages* | received by this Authority on | with the letter of |
| pages* | received by this Authority on | with the letter of |
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (specify):
- ☐ any table(s) related to the sequence listing (specify):

4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☒ the claims, Nos. 1-2, 6-8
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (specify):
- ☐ any table(s) related to the sequence listing (specify):

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 3-9	YES
	Claims 1-2	NO
Inventive step (IS)	Claims 3-5, 9	YES
	Claims 1-2, 6-8	NO
Industrial applicability (IA)	Claims 1-9	YES
	Claims -	NO

2. Citations and explanations (Rule 70.7)Novelty (N): Claims 1-2

- (a) GB 2177156
(b) US 5291631

Claim 1:

Citation (a) provides all the features of claim 1 as follows:

- a door stay figure 8, item 10d
- first part supported by door handle on one side figure 8, item 12
- second part supported by door handle on other side figure 8, item 13
- intermediate part extends over edge of door to prevent it closing figure 8, item 11

Claim 1 is similarly not novel in light of (b).

Claim 2:

Citation (a) discloses the stay preventing the latch tongue of a door from entering into a keeper on the door jamb. See figure 9.

Inventive Step (IS): Claims 1-2

Claims 1 to 2 are not novel and consequently do not include an inventive step.

Claims 6 to 9 disclose details of construction and use which lie within the range of normal design and practice and consequently these claims lack an inventive step.

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

As a result of the amendments lodged under Article 19 there would be two pages numbered 12 if these amendments had been considered.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: **Box No. 1, Part 4.**

The amendments lodged under Article 19 on 4 August 2005 are not fully supported by the description. "toy" includes within its scope such items as a train (part of a train set), a bicycle, an electronic game etc. What has been disclosed is "a plush toy, a teddy bear, a stuffed toy, a stuffed animal".